

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CONVERGEN ENERGY LLC, L'ANSE WARDEN  
ELECTRIC COMPANY, LLC, EUROENERGY  
BIOGAS LATVIA LIMITED, and LIBRA CAPITAL  
US, INC.

Plaintiffs,

-against-

STEVEN J. BROOKS, NIAN TICVISTA ENERGY  
LLC, GREGORY MERLE, RIVERVIEW ENERGY  
CORPORATION, DANIEL ESCANDON GARCIA,  
RAMON URIARTE INCHAUSTI, CHIPPER  
INVESTMENT SCR, SA, URINCHA SL, THEODORE  
JOHN HANSEN, BRIAN R. MIKKELSON, and  
CONVERGEN ENERGY WI, LLC,

Defendants.

Index No. **1:20-cv-03746** (LJL)

**DECLARATION OF DOV GOLD IN SUPPORT OF  
MOTION FOR RECONSIDERATION**

I, Dov Gold, declare as follows:

1. I am an attorney with the Seiden Law Group LLP and am counsel for Plaintiffs.
2. I am licensed to practice in the State of New York, and I submit this declaration in support of the Motion for Reconsideration of the Court's August 5, 2020 Opinion & Order denying Plaintiffs' motion to stay the arbitration initiated by Convergen Energy WI, LLC ("CEW") on June 4, 2020. If I were asked to testify, I would testify consistent with this declaration, and I have personal knowledge of all facts set forth herein.
3. In a related Eastern District of Wisconsin action titled, *Convergen Energy WI LLC et al. v. Convergen Energy LLC et al.* (Case No. 1:20-cv-00823), CEW and Theodore Hansen attached to their complaint an email between Steven Brooks and Fidel Andueza

(“**Andueza**”) dated December 15, 2019. ECF 1 at 50-54 That email is attached as **Exhibit A** and contains new evidence regarding the conspiracy, including but not limited to revelations about Andueza’s participation in the conspiracy.

4. In light of new evidence concerning Andueza’s participation in the conspiracy, concurrently with this motion, Plaintiffs are filing a motion to seek leave to file an amended complaint which will extensively detail Andueza’s role in the fraud. A copy of the proposed Amended Complaint is attached as **Exhibit B**.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York  
August 19, 2020

/s/ Dov Gold  
Dov Gold